

Mar 20, 2019

SEAN F. MCAVOY, CLERK

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

UNITED STATES OF AMERICA,

Plaintiff,

v.

TOMMIE JOE FLETT,

Defendant.

No. 2:18-cr-00157-SMJ

**ORDER REJECTING PLEA  
AGREEMENT, GRANTING ORAL  
MOTION TO WITHDRAW  
GUILTY PLEA, AND VACATING  
ORDER ACCEPTING GUILTY  
PLEA**

A sentencing hearing occurred in the above-captioned matter on March 19, 2019. Defendant Tommie Joe Flett was present, represented by Matthew A. Campbell. Assistant U.S. Attorney Alison L. Gregoire appeared on behalf of the Government. At the hearing, the Court rejected the parties' Federal Rule of Criminal Procedure 11(c)(1)(C) plea agreement, granted Defendant's oral motion to withdraw his guilty, and scheduled a pretrial conference and trial. This Order memorializes and supplements the Court's oral rulings, which are incorporated herein.

Based on its review of the factors set forth in 18 U.S.C. § 3553(a), the Court finds and concludes that the plea agreement's contemplated sentence is less than necessary, and therefore insufficient, to reflect the seriousness of the offense,

ORDER REJECTING PLEA AGREEMENT, GRANTING ORAL MOTION TO  
WITHDRAW GUILTY PLEA, AND VACATING ORDER ACCEPTING  
GUILTY PLEA - 1

1 promote respect for the law, provide just punishment for the offense, afford  
2 adequate deterrence to criminal conduct, and protect the public from further  
3 crimes.

4 Accordingly, **IT IS HEREBY ORDERED:**


5 **1.** The parties' Federal Rule of Criminal Procedure 11(c)(1)(C) plea  
6 agreement, **ECF No. 28**, is **REJECTED**.

7 **2.** Defendant's oral motion to withdraw his guilty plea, **ECF No. 37**, is  
8 **GRANTED**.

9 **3.** The Clerk's Office shall **VACATE** the Court's December 18, 2018  
10 Order Accepting Guilty Plea and Deferring Acceptance of the Plea  
11 Agreement, **ECF No. 29**.

12 **IT IS SO ORDERED.** The Clerk's Office is directed to enter this Order  
13 and provide copies to all counsel, the U.S. Probation Office, and the U.S.  
14 Marshals Service.

15 **DATED** this 20th day of March 2019.

16   
17 SALVADOR MENDOCZA, JR.  
United States District Judge